

THIRD CYCLE 2004
GENERAL PLAN AMENDMENTS
ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING THE SAN BERNARDINO COUNTY CODE BY THE AMENDMENT OF THE OFFICIAL MAPS OF THE OFFICIAL LAND USE PLAN.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Public hearings have been held before the Planning Commission and Board of Supervisors of the County of San Bernardino, State of California, pursuant to the Planning and Zoning Law of the State of California and the County Code of the County of San Bernardino.

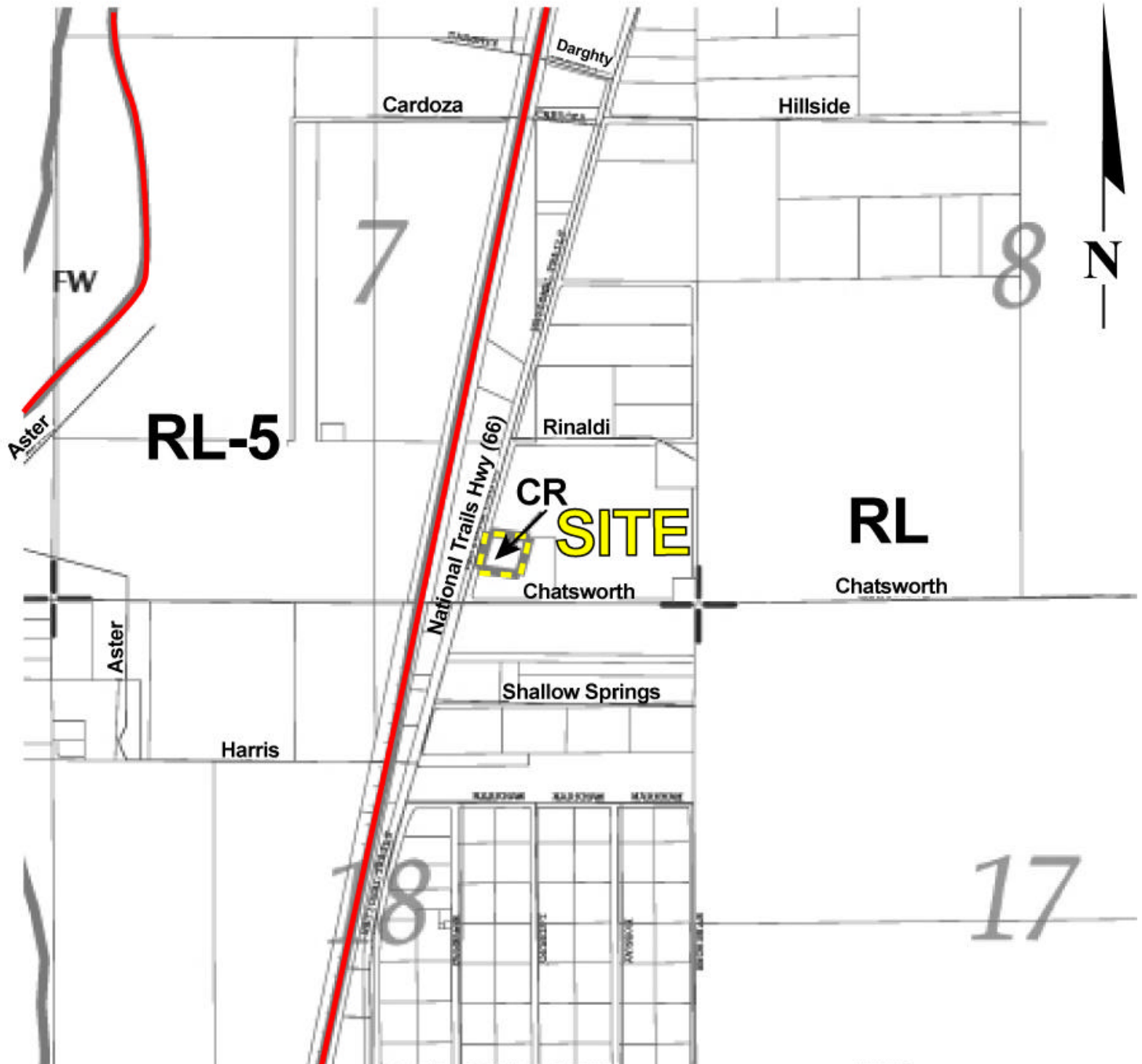
JEFFREY AND MARTHA HIMMELRICK – HELENDALE/S1**OLUD MAP EH-22A****SECTION 2.**

The General Plan Official Land Use District Maps are amended as shown on the attached map marked “OLUD MAP EH-22A,” from RL (Rural Living) to CR (Rural Commercial) on 2.55 acres, located on the east side of National Trails Highway, approximately 750’ south of Rinaldi Road; Helendale area.

FINDINGS FOR THE GENERAL PLAN AMENDMENT:

1. The proposed General Plan Land Use District Amendment is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised. The Land Use District Change will provide for a rural commercial opportunity in an area currently lacking such development.
2. The proposed General Plan Land Use District Amendment is consistent with the goals and policies of the General Plan, and will provide a reasonable and logical land use pattern in the surrounding area. The proposed Land Use District Amendment is consistent with the following:
 - Scenic Resource Goal C-57 in the Open Space Element of the County General Plan that provides for visual enhancement of existing development through landscaping. Historic Route 66 is a designated scenic corridor that will be improved through the inclusion of landscaping along the project's road right-of-way.
 - Energy/Telecommunications Goal D-34 that strives to minimize energy consumption attributable to transportation within the County.
 - Housing Element Goal D-41 to implement strategies aimed at developing a balance between housing and employment opportunities for all residents.
 - Land Use Element Goals D-45 to provide a harmonious arrangement of land uses that will generate sufficient tax revenues.
 - D-47 to provide a compatible and harmonious arrangement of land uses in the rural areas.
 - Land Use Policies LU-3 and LU-5 because they encourage balanced, efficient commercial developments that are functional, safe, attractive and convenient to shoppers, are capable of strengthening the local economy, enhance the quality of life of County residents, and improve the negative jobs/housing balance.
3. The proposed General Plan Land Use District Amendment does not conflict with provisions of the Development Code or any applicable specific plan. Future development will comply with all necessary provisions of the Development Code. The proposal is compatible with the rural commercial land use district.
4. The proposed General Plan Land Use District Amendment will not have a substantial adverse effect on surrounding property. Development of the proposed restaurant must comply with the requirements of the County Development Code. The proposed project includes landscaping to provide buffers for adjacent residential properties.
5. The proposed General Plan Land Use District Amendment will not have a significant effect on the environment. An independent Initial Study was completed for the concurrently filed General Plan Amendment and the Conditional Use Permit applications. Compliance with the Conditions of Approval will reduce impacts of the project to a level below significance. The construction of a single-family residence, a triplex, miscellaneous outbuildings, and the White Café building previously disturbed the site. Development of the proposed restaurant will adhere to and comply with necessary development conditions, standards, and environmental mitigation measures.

6. The Negative Declaration reflects the County's independent judgement.

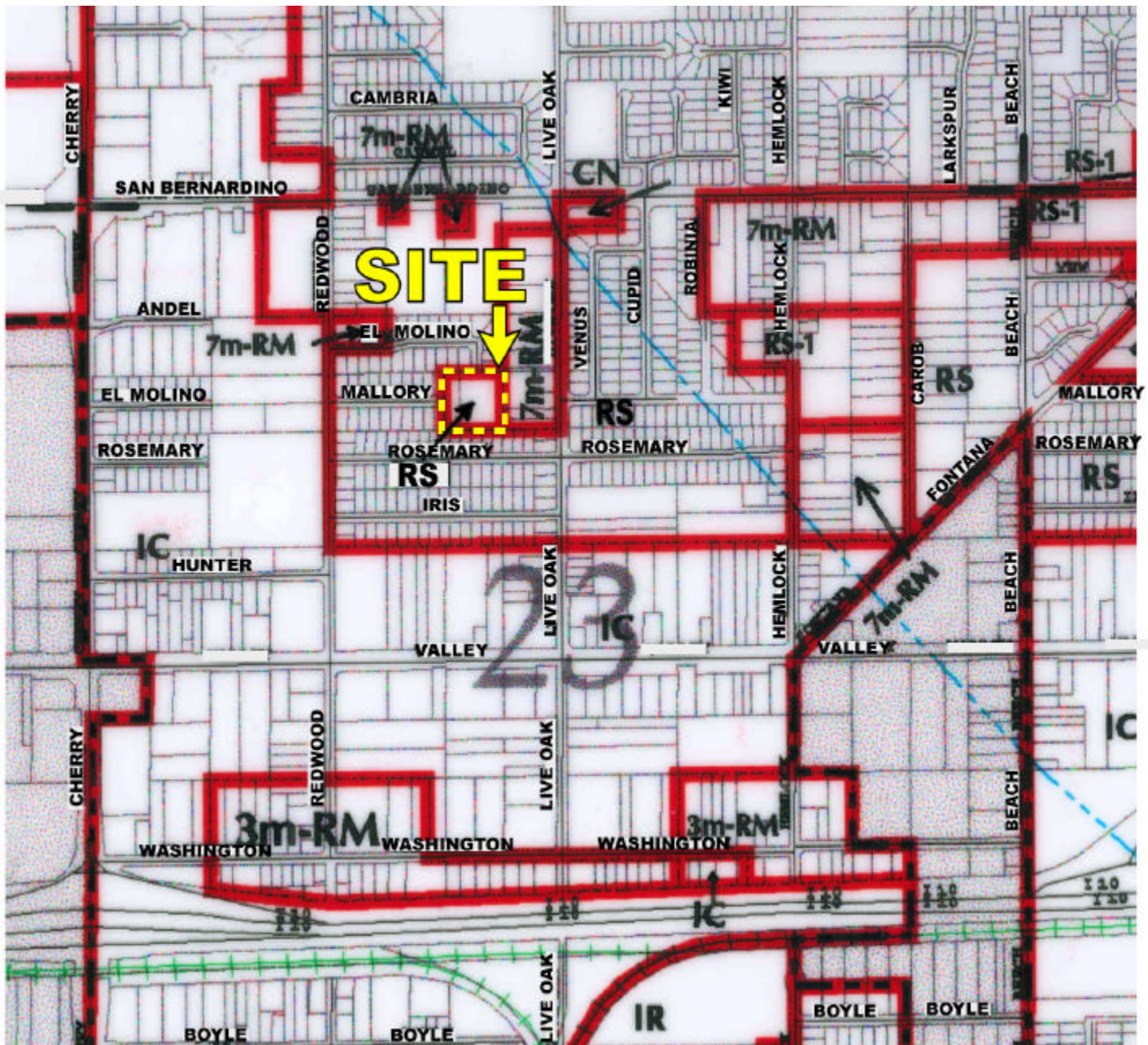


KAMDAT INVESTMENT, INC. – FONTANA/S2**OLUD MAP FH-29A****SECTION 3.**

The General Plan Official Land Use District Maps are amended as shown on the attached map marked "OLUD MAP FH-29A," from RS-1 (Single Residential-one acre minimum lot size) to RS (Single Residential) on 2.24 acres, located on the east end of Mallory Drive, approximately 330 feet west of Live Oak Avenue; Fontana area.

FINDINGS FOR THE GENERAL PLAN AMENDMENT:

1. The proposed land use district change is in the public interest, there will be a community benefit, and other existing and permitted uses will not be compromised because the district change allows in-fill development and the logical extension of residential land uses that will not create any potential impacts to uses existing and permitted in the adjoining areas.
2. The proposed land use district change provides a reasonable and logical extension of the existing residential districts and residential development in the adjoining areas to the north, east, south, and west and is consistent with the following:
 - Goal D-43 that states, "Plan for a compatible and harmonious arrangement of land uses in urban areas by providing a type and mix of functionally well-integrated land uses, which meet general social and economic needs."
 - Policy LU-2, that states, "Require that the design and siting of new residential development meets locational and development standards that ensure compatibility with adjacent land uses and community character". The development meets locational standards because it is located in an area surrounded by incorporated cities with parcels divided between 5,000 sq. ft. and 1 acre, and located within the sphere of influence of an incorporated city. It meets development standards for minimum area of 7200 sq. ft., minimum lot dimensions of 60 ft. X 100 ft., and minimum setbacks of 25 ft. for front, 5 ft. and 10ft. for sides, and 15 ft. for the rear.
3. The proposed land use district change does not conflict with the provisions of the County Development Code because the project will be required to develop in conformance with the development requirements outlined in the conditions of approval.
4. The proposed land use district change will not have an adverse effect on the surrounding property, because it will allow residential uses that are similar and compatible with the existing single family residential uses in the area, and the implementation of the development requirements in the conditions of approval will minimize and reduce any potential impacts.
5. An independent Initial Study, in compliance with the California Environmental Quality Act (CEQA), has been completed for the project that determined the proposal will not have any adverse impacts that will remain potentially significant, after the completion of the Conditions of Approval and mitigation measures. Therefore adoption of a Mitigated Negative Declaration is recommended.



FOUAD BOULUS – FONTANA/S2

OLUD MAP FH-29A

SECTION 4.

The General Plan Official Land Use District Maps are amended as shown on the attached map marked "OLUD MAP FH-29A," from 7M-RM (Multiple Residential-7,000 sq. ft. minimum per dwelling unit) to CG (General Commercial) on .91 acres, located on the south side of Foothill Boulevard, approximately 450 feet west of Beech Avenue; Fontana area.

FINDINGS FOR THE GENERAL PLAN AMENDMENT:

1. The proposed land use district change is in the public interest. There will be a community benefit and other existing and permitted uses will not be compromised because the district change recognizes an area in transition from residential to industrial/commercial land uses and can be considered an urban "in-fill" project with utilities available and existing.
2. This General Plan Amendment is consistent with the goals and policies of the General Plan, as follows:

Goal D-43 that encourages a compatible and harmonious arrangement of land uses in urban areas by providing a type and mix of functionally well-integrated land uses that meet general social and economic needs.

Goal D-48 that encourages the distribution of land uses in such a way as to minimize the demand for energy consumption and maximize the effectiveness of energy consumed.

Goal D-54 that encourages future growth in areas where infrastructure facilities and public services exist or can easily be provided or acquired and where other desired attributes of the land, such as open space, watershed areas and scenic resources, will not be adversely impacted.

Policy LU-3 that promotes commercial development that enhances the County's economic base and provides jobs for its residents.

Policy LU-7h that requires general plan amendments be consistent with the Infrastructure Improvement Levels designated for the subject sites.
3. The proposed land use district change does not conflict with the provisions of the County Development Code, or any applicable planning area, as the subject site is already designated under Infrastructure Improvement Level 1 which is reserved for higher density urban development so there is no need for a change in improvement level. Project will be subject to all requirements for Valley infrastructure level one (IL-1) improvements.
4. The proposed land use district change will not have a substantial adverse effect on surrounding property because the majority of the existing land uses in the area are a combination of older residences combined with industrial operations or newly developed commercial/industrial projects. The future of the existing residential land uses in this area along Foothill Blvd. is limited, as the County Redevelopment Agency will be expanding the San Sevaire RDA near to this area in the near future. Residential land uses, then may no longer be compatible with the goals and objectives of the nearby RDA.
5. The proposed land use district change will not have a substantial adverse effect on the available supply of the multifamily residential property in the County. The rear .46 acre would only accommodate a maximum of 3 dwelling units under ideal circumstances (at 7,000 sq. ft. per unit) and this is not considered significant loss of RM in light of the Regional Housing Needs Assessment (RHNA) for the valley area. Sufficient sites remain.
6. An independent Initial Study in compliance with the California Environmental Quality Act (CEQA) has been completed for the project that determined the proposal will not have any adverse impacts after implementation of appropriate normal Conditions of Approval. Therefore, a Negative Declaration is recommended. The intent to adopt a Mitigated Negative Declaration was advertised to the public on September 5, 2004.



SECTION 5. The General Plan Land Use District Amendments adopted by this ordinance shall become effective thirty (30) days after its adoption.

DENNIS HANSBERGER, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF THIS
DOCUMENT HAS BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD

J. RENEE BASTIAN,
Clerk of the Board of Supervisors
of the County of San Bernardino

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, J. RENEE BASTIAN, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the day _____ of _____ 2004, at which meeting were present Supervisors:

and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this _____ day of _____, 2004.

J. RENEE BASTIAN,
Clerk of the Board of Supervisors of the County
of San Bernardino, State of California

Deputy